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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,099	07/16/2001	Kenji Kawazoe	1272.C0468	3548
5514	7590	12/01/2003	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			TRAN, LY T	
ART UNIT	PAPER NUMBER	2853		

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/905,099	KAWAZOE ET AL. <i>ACW</i>
	Examiner Ly T TRAN	Art Unit 2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 October 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) Interview Summary (PTO-413) Paper No(s). _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 8, 12-15, 19, 20, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kyogoku et al. (JP 326531) in view of Suematsu et al (JP 362088736) and Shimizu et al. (JP 410193808).

Kyogoku et al. discloses in combination, a printing apparatus and a print medium and a method of manufacturing a print medium to be supplied to a printing apparatus wherein the printing apparatus (Abstract) comprising a feeding means (Fig.2: element 3) for feeding the print medium accommodated in an accommodating portion (element 2) to a transporting passage facing the printing means (element 6b), the printing apparatus transporting the print fed by the feeding means along the transporting passage so that the printing means can print on the print medium (Fig.2), the print medium comprising:

- A print area on which to print a desired image (Fig.1: element 9)
- A separate discard area provided in at least a front end portion of the print medium (Fig.1: element 11)

- The printing means forms an image which continues from the print area to a portion of the separable discard area (Abstract)
- A line of perforation is formed at a boundary between the print area and the separable discard area of the print medium (Fig.3: element 11)
- The printing means forms an image which continues from the print area to a portion of the separable discard area, going beyond the line of the perforation (Abstract)

However, Kyogoku fails to teach a separation means disposed at a downstream side of the feeding means, for separating a print medium fed by the feeding stack of print media accommodated in the accommodating portion and both of the separation means and the feeding means are in contact with the separable discard area when the separation means contact the front end portion of the medium.

Suematsu et al. teaches a separation means disposed at a downstream side of the feeding means, for separating a print medium fed by the feeding stack of print media accommodated in the accommodating portion (Fig.1: element 28, Abstract).

So by having a separation means (28) at a downstream side of the feeding means as taught by Suamatsu into the invention of Kyogoku, obviously the width of the discard area provided in at the front end portion is greater than the predetermined distance from the separating means to a contact portion of the print medium on which the feeding means contacts the print medium.

Shimizu teaches a different size of discard areas (Fig.1: the sheet can be divided into 2 areas, figure 2: 4 areas and fig.3: 16 areas), using the example of figure 2, such

as the sheet with 2 areas into the combined invention of Kyogoku and Suematsu, the area which respect to feeding direction is half of the length of the sheet so this area obviously contact by both the separation means and the feeding means.

It would have been obvious to one of ordinary skill in the art based on whatever final printed product is desired. The size of discard area can be varied.

2. Claims 2-4, 9-11, 16-18, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kyogoku et al. (JP 326531) in view of Ikeda et al. (USPN 6,135,591) and Shimizu et al. (JP 410193808).

Kyogoku et al. discloses in combination, a printing apparatus and a print medium and a method of manufacturing a print medium to be supplied to a printing apparatus wherein the printing apparatus (Abstract) comprising a feeding means (Fig.2: element 3) for feeding the print medium accommodated in an accommodating portion (element 2) to a transporting passage facing the printing means (element 6b), the printing apparatus transporting the print fed by the feeding means along the transporting passage so that the printing means can print on the print medium (Fig.2), the print medium comprising:

- A print area on which to print a desired image (Fig.1: element 9)
- A separate discard area provided in at least a front end portion of the print medium (Fig.1: element 11)
- The printing means forms an image which continues from the print area to a portion of the separable discard area (Abstract)

- A line of perforation is formed at a boundary between the print area and the separable discard area of the print medium (Fig.3: element 11)
- The printing means forms an image which continues from the print area to a portion of the separable discard area, going beyond the line of the perforation (Abstract)

However, Kyogoku et al. fails to teach the discharge means and the printing means perform printing onto the print medium at a position between the transport means and the discharge means, both of the separation means and the feeding means are in contact with the separable discard area when the separation means contact the front end portion of the medium, the printing medium is restrained by both of the transport means and discharge means and the performing printing onto an area including a portion of print area and a portion of the separable discard area.

Ikeda et al. teaches a discharge means (Fig.1: element 10), the printing means perform printing onto the print medium at a position between the transport means (element 7) and the discharge means (element 10), the printing medium is restrained by both of the transport means and discharge means when the printing means is at rearmost end or front-most end of the print medium (Fig 1 shows the medium is restrained by roller 7 and roller 10).

Shimizu teaches a different size of discard areas (Fig.1: the sheet can be divided into 2 areas, figure 2: 4 areas and fig.3: 16 areas), using the example of figure 2, such as the sheet with 2 areas into the combined invention of Kyogoku and Suematsu, both areas have been print by the printing means and the area which respect to feeding

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direction is half of the length of the sheet so this area obviously contact by both the separation means and the feeding means.

It would have been obvious to one of ordinary skill in the art based on whatever final printed product is desired. The size of discard area can be varied.

Applicant is reciting dimensions of a printer relative to a print medium. While the combination does not teach the exact dimensions as recited in the claims, these dimensions or any dimensions of the print areas and discard area would have been obvious to one of ordinary skill in the art based on whatever final printed product is desired. Goishi and Onishi teach that it is known to use print medium sheets with print areas and discard area with various dimensions.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Kyogoku et al to have a discharge means as taught by Ikeda et al. The motivation of doing so is to discharge the paper to the discharge tray.

3. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kyogoku et al. (JP 326531) in view of Suematsu et al (JP 362088736) and Shimizu et al. (JP 410193808) as applied to claim 1 above, further in view of Yamaoka (JP 11-277879)

The combination of Kyogoku et al, Shimizu and Suematsu teaches a discard area in a front end portion of the print medium and a discard area in a rear end portion of print medium are set equal in width.

However, the combination of Kyogoku et al and Suematsu fails to teach plurality of print areas and separably discard areas before and after each print area and a discard area in a left end portion of the print medium and a discard area in a right end portion of the print medium are set equal in width, widths of the discard areas in left and right end portions of the print medium are greater than a length in the transport direction of the discard are between the print areas.

Yamaoka teaches plurality of print areas and separably discard areas before and after each print area and a discard area in a left end portion of the print medium and a discard area in a right end portion of the print medium are set equal in width. (Fig.9). Also, in figure 9, Yamaoka teaches that the widths of the discard areas in left and right end portions of the print medium are greater than a length in the transport direction of the discard are between the print areas.

It would have been obvious to one having ordinary skill in the art at the time the invention was made as modify to have a plurality of print areas and separable discard areas before and after each print area and a discard area in a left end portion of the print medium and a discard area in a right end portion of the print medium are set equal in width as taught by Tamaoka. The motivation of doing so is in order save more area for printing.

Response to Arguments

4. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T TRAN whose telephone number is 703-308-0752. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 703-308-4896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0967.

lyt
November 20, 2003



Stephen D. Meier
Primary Examiner